

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**In re: Oil Spill by the Oil Rig MDL 2179  
“Deepwater Horizon” in the Gulf SECTION “J”  
of Mexico, on April 20, 2010**

**This Document Relates To:**

*No. 15-4143, 15-4146 & 15-4654* **District Judge Carl J. Barbier  
Chief Magistrate Judge Joseph C.  
Wilkinson, Jr.**

**MOTION FOR APPROVAL OF FINAL DISTRIBUTION OF THE PUNITIVE  
DAMAGES PORTION OF THE HALLIBURTON ENERGY SERVICES, INC. AND  
TRANSOCEAN LTD. SETTLEMENT AGREEMENTS**

Patrick A. Juneau<sup>1</sup> (the “New Class Claims Administrator”), Claims Administrator of the Punitive Damages portion of the Halliburton Energy Services, Inc. (“HESI”) Punitive Damages and Assigned Claims Settlement Agreement, Amended as of September 2, 2015 [Rec. Doc. 15322], and of the Punitive Damages portion of the Transocean Punitive Damages and Assigned Claims Settlement Agreement [Rec. Doc. 14644] (collectively, the “Settlement Agreements”), hereby respectfully moves this Court to issue an Order approving the following to allow the New Class Claims Administrator and Epiq Class Action and Claims Solutions, Inc.<sup>2</sup> and other vendors to take the actions specified under the direction and supervision of the New Class Claims Administrator:

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<sup>1</sup> Following the appointment of Michael J. Juneau as a United States District Judge, the Court appointed Patrick A. Juneau as the New Class Claims Administrator [Rec. Doc. 25134].

<sup>2</sup> Garden City Group, LLC (“GCG”) was acquired by Epiq as of June 15, 2018 and is now continuing operations as part of Epiq. GCG was engaged by the Court appointed New Class Claims Administrator to assist him in implementing the HESI and Transocean Punitive Damages and Assigned Claims Class Action Settlements.

- (a) Establishing an additional distribution account with Huntington Bank such that funds will be secured by United States Government-backed Treasury instruments in the name of “HESI-Transocean Punitive Damages Combined Settlements Fund B” for the purpose of conducting Distribution B;
- (b) Continuing to file state and federal tax returns and make quarterly payments as necessary from HESI-Transocean Punitive Damages Combined Settlements Fund B account, the HESI-Transocean Punitive Damages Combined Settlements Fund account, and the HESI-Transocean Assigned Claims Combined Settlements Fund account;
- (c) Revising the amount of the prior New Class Costs Allocation to \$2,749,500.00 and approving of transfer of those funds from the HESI-Transocean Punitive Damages Combined Settlements Fund to HESI-Transocean Punitive Damages Combined Settlements Fund B, as needed to effectuate administrative efficiency and approving use of such funds to pay invoices associated with the Old Class and New Class, upon receipt of Court approval, going forward;
- (d) Eliminating the bifurcation of invoices between Old Class and New Class fees and expenses and authorizing the full remaining balance of the Old Class Costs Allocation to be applied to the next invoice approved by the Court with all future invoices to be paid from the revised New Class Costs Allocation;
- (e) Directing the Escrow Agent to fund the HESI-Transocean Punitive Damages Combined Settlements Fund B account at Huntington Bank with the remaining funds from the HESI and Transocean Settlement Funds from the HESI Settlement Fund Escrow Account and the Transocean Settlement Fund Escrow Account, less holdback for tax liability as directed by the Claims Administrator or his agent. Such funds may be transferred from the Escrow

Agent to Huntington Bank via wire transfer upon the Court entering the Order approving the Motion for Approval of Final Distribution of the Punitive Damages Portion of the Halliburton Energy Services, Inc. and Transocean Ltd. Settlement Agreements and the New Class Claims Administrator making a request to the Escrow Agent for transfer of these funds;

- (f) Approving the New Class Claims Administrator to re-calculate the Distribution B Reserve Claims value once a final Distribution B Net Settlement Fund amount is established, and to adjust the current reserve of \$12,469,265.20 accordingly;
- (g) Making any final updates to the estimated *pro rata* based on the final value of funds available or changes to eligible claims pursuant to the methodology stated in the supporting memorandum and declaration, without the need for further approval of the Court as long as the adjustment to the *pro rata* is 0.5% or less;
- (h) Approving the New Class Claims Administrator's claim determinations made pursuant to the methodology established based upon the Court's Order and Reasons [Rec. Doc. 22252], which included approval of the New Class Distribution Model, subject to the reallocation percentage increase discussed in the supporting memorandum and declaration;
- (i) Approving a revision of the contingency holdback of \$5,800,000.00 established for New Class Distribution A to \$3,500,000.00 and approving transfer of these funds to the New Class Distribution Fund B account;
- (j) Issuing payments via wire or check, as appropriate, to Claimants upon an Order of the Court approving distribution being final; however, reserving unto the New Class Claims Administrator the authority to hold back payments for (1) individuals/entities with missing, incomplete, or inaccurate IRS Forms W-9 or, in the New Class Claims Administrator's discretion, to deduct backup withholding of the payment for forwarding to the IRS, (2)

- unresolved liens/Third-Party claims, (3) unresolved issues surrounding the rights of a trustee in bankruptcy to the award or part of the award, and (4) Distribution B Reserve Claims;
- (k) Reissuing checks on a periodic basis along with first time payments for eligible Distribution B Reserve Claims already approved for distribution by the Court that have been resolved in the month prior; initial payments will be made in a manner consistent with the methodology stated in the supporting memorandum and declaration and with the *pro ratas* applied to the various claim categories and claim types included in Distribution B;
- (l) Issuing IRS Forms 1099-MISC to attorneys and Claimants with reportable distributions and filing the same information with the IRS annually until distribution is complete;
- (m) Retaining the Court's jurisdiction over the HESI-Transocean Punitive Damages Combined Settlements Fund and the Reserve Fund; should the New Class Claims Administrator determine a further distribution is necessary, the New Class Claims Administrator shall file a motion with the Court for consideration; and
- (n) Requiring the New Class Claims Administrator to close the HESI-Transocean Punitive Damages Combined Settlements Fund B account one calendar year after issuance of the final eligible Distribution B Reserve Claim payment, further ordering accelerated escheatment of any residual funds to the states by the New Class Claims Administrator at that time, unless a further distribution order is pending with or entered by the Court prior to closure of the account.

Respectfully submitted,

/s/ Patrick A. Juneau  
PATRICK A. JUNEAU  
New Class Claims Administrator

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing pleading has been served on All Counsel by electronically uploading the same to LexisNexis File & Serve in accordance with Pretrial Order No. 12, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 20<sup>th</sup> day of May, 2020.

/s/ Michelle M. La Count  
Michelle M. La Count